APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,984	02/20/2004	Robert S. Kolman	10030694-1	7148

7590 06/29/2005	**EXAMINER**
AGILENT TECHNOLOGIES, INC.	VO, HIEN XUAN
Legal Department, DL 429	

ART UNIT	PAPER NUMBER
2863	

Intellectual Property Administration
P.O. Box 7599
Loveland, CO 80537-0599

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		10/782,984	KOLMAN ET AL.
		Examiner	Art Unit
		Hien X. Vo	2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02/20/04</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-19</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) <u>8-19</u> is/are allowed.

6)☒ Claim(s) <u>1 and 4-7</u> is/are rejected.

7)☒ Claim(s) <u>2 and 3</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>20 February 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1, 4-7 rejected under 35 U.S.C. 102(b) as being anticipated by Pieper et

al. (U.S. Patent No. 5,371,851).

With respect to claim 1, Pieper et al. disclose the graphical data base editor

including a processor (see e.g. col. 5, line 28), an application program executable by

said processor that requires use of a first number of waveforms (see e.g. col. 5, lines

26-35), a waveform table comprising a second number of waveform table entries for

storing waveforms for use by said application program, wherein said first number

exceeds said second number (see e.g. col. 5, lines 35-42), an application policy

comprising waveform sequencing information specific to said application program (see

e.g. abstract), a dynamic waveform manager that monitors execution of said application

program, accesses said application policy to determine which of said first number of

waveforms are next required by said application program, and loads one or more of

said first number of waveforms into a corresponding respective one or more of said

second number of waveform table entries in said waveform table (see e.g. Figs. 3-20).

With respect to claims 4-7, Pieper et al. disclose the invention as claimed

including an application analyzer which accesses said application program to determine

said waveform sequencing information specific to said application program and to

generate said application policy (see e.g. col. 5, lines 56-63), indication of first use and

of last use by said application program of each of said first number of waveforms to be

used by said application program (see e.g. col. 4, lines 47-50), the dynamic waveform

manager loads said first number of waveforms to be used by said application program

in order of first use by said application program (see e.g. col. 12, lines 28-44), a memory

for storing said first number of waveforms that is independent of said waveform table

(see e.g. col. 4, lines 25-29).

Allowable Subject Matter

3.   Claims 2-3 objected to as being dependent upon a rejected base claim, but

would be allowable if rewritten in independent form including all of the limitations of the

base claim and any intervening claims.

4.   Claims 8-19 allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Although the prior art disclose some claimed limitations.

As per claims 8, 14 none of the prior art teach singularly or in combination a

dynamically managing loading of a plurality of waveforms to a waveform table

characterized by a limited number of waveform table entries during execution of an

application program, said plurality of waveforms being greater in number than said

limited number of waveform table entries, determining a subset of said plurality of

waveforms to be used first by said application program, loading of each of said subset

of said waveforms to a respective one of said limited number of waveform table entries,

receiving indication of a last use by said application program of a completed one of said

loaded waveforms loaded at a corresponding one of said limited number of waveform

table entries, selecting a next waveform still to be used by said application program

from said plurality of waveforms that are not currently loaded into one of said limited

number of waveform table entries, replacing said completed one of said loaded

waveforms with said selected next waveform in said one of said limited number of

waveform table entries corresponding to said completed one of said loaded waveforms.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Hien X. Vo whose telephone number is (571) 272-2282.

The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Hien Vo
06/24/05

MICHAEL NGHIEM
PRIMARY EXAMINER